

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1089-PWS-E TCEQ ID:RN101404887 CASE NO.: 34136
RESPONDENT NAME: CITY OF EDGEWOOD

Page 1 of 3

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Quarter mile north on County Road 3504 from intersection of County Road 2507 and County Road 3504 near Edgewood, Van Zandt County</p> <p>TYPE OF OPERATION: Public water supply system</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints associated with this enforcement action. Three complaints were received in 2008, alleging that the water had a "fishy" smell and a bad taste. The TCEQ Tyler Regional Office investigated and issued an NOV to the Respondent for failing to flush the dead-end mains. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired May 18, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Gary Shiu, Litigation Division, MC R-12, (713) 422-8916 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Water Enforcement Section, MC 169, (512) 239-1482 TCEQ Regional Contact: Mr. Noel Luper, Tyler Regional Office, MC R-5, (903) 535-5174 Respondent: The Honorable Charles Prator, Jr., Mayor of Edgewood, P.O. Box 377, Edgewood, Texas 75117 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Types of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: March 11, 2007 and August 3, 2007</p> <p>Dates of NOEs Relating to this Case: June 23, 2007 and September 7, 2007</p> <p>Background Facts: The EDPRP was filed February 29, 2008. The Respondent filed an Answer and the case was referred to SOAH. The preliminary hearing was waived. On February 27, 2009, the Executive Director received a signed Agreed Order from the Respondent.</p> <p>Current Compliance Status: Not yet in compliance</p> <p>PWS:</p> <p>1. Failed to submit Surface Water Monthly Operating Reports ("SWMORs") by the tenth day of the month following the end of the reporting period [30 TEX. ADMIN. CODE §§ 290.110(e)(2) and 209.111(e)(2)].</p> <p>2. Failed to maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU") and not to exceed 0.3 NTU in at least 95% of the samples tested each month [30 TEX. ADMIN. CODE § 290.111(b)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>3. Failed to monitor the disinfectant residual of the water in each disinfection zone at least once each day [30 TEX. ADMIN. CODE § 290.110(c)(1)(A)].</p> <p>4. Failed to continuously monitor and record the turbidity level of the combined filter effluent at least once every four hours [30 TEX. ADMIN. CODE § 290.111(c)(2)(A)].</p>	<p>Total Assessed: \$16,321</p> <p>Total Deferred: \$16,321 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$0</p> <p>The administrative penalty shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Eleven prior NOVs with the same violation as current enforcement action.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the City implemented the following corrective measures at the Facility:</p> <ol style="list-style-type: none"> As of June 2004, began submitting SWMORs for the surface water treatment facility. As of March 2007, began maintaining the turbidity level of combined filter effluent below 1.0 NTU and 0.3 NTU in at least 95% of the tested samples. As of May 2006, began monitoring the disinfectant residual of the water in each disinfection zone at least once per day. As of May 2006, began monitoring and recording the turbidity level of the combined filter effluent at least once every four hours. As of May 2006, began monitoring and recording the filtered water turbidity level at the effluent of each individual filter at least once every fifteen minutes. Properly disposed of all plant wastes in accordance with all applicable regulations and state statutes including both liquid and solid waste or by-product material from operation and/or maintenance. Properly calibrated the on-line pH meter, turbidimeter, and disinfectant residual analyzers within the required time frames. Placed an air respirator in an accesible location outside of the chlorination room. The air respirator meets OSHA standards for construction and operation. <p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 30 days, begin maintaining the general appearance of all the water system's facilities.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to continuously monitor and record the filtered water turbidity level at the effluent of each individual filter at least once every fifteen minutes [30 TEX. ADMIN. CODE § 290.111(c)(4)(A)].</p> <p>6. Failed to maintain the potable storage tanks so that they are thoroughly tight against leakage [30 TEX. ADMIN. CODE §§ 290.46(m)(1)(A) and 290.43(c)(6), TEX. HEALTH & SAFETY CODE § 341.036, and TCEQ Agreed Order Docket No. 2004-1540-PWS-E, Ordering Provision No. 3.a.ii].</p> <p>7. Failed to provide for disposition of all plant wastes in accordance with all applicable regulations and state statutes including both liquid and solid waste and by-product material from operation and/or maintenance [30 TEX. ADMIN. CODE § 290.42(a)(2)(B)].</p> <p>8. Failed to promptly eliminate unacceptable plumbing practices as they are discovered, to prevent possible contamination of the water supplied by the regulated entity [30 TEX. ADMIN. CODE § 290.46(j)(2) and TEX. HEALTH & SAFETY CODE § 341.036].</p> <p>9. Failed to maintain the general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>10. Failed to perform mandatory calibrations of laboratory equipment used for treatment compliance monitoring [30 TEX. ADMIN. CODE § 290.46(s)(2)].</p> <p>11. Failed to provide a full face self-contained breathing apparatus or air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accessible location [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].</p>		<p>2. Within 45 days, submit written certification of compliance with Ordering Provision No 1.</p> <p>3. Within 90 days, promptly eliminate unacceptable plumbing practices as they are discovered, to prevent possible contamination of the water supplied by the regulated entity.</p> <p>4. Within 105 days, submit written certification of compliance with Ordering Provision No. 3.</p> <p>5. Within 120 days, begin maintaining the potable storage tanks so that they are thoroughly tight against leakage.</p> <p>6. Within 135 days, submit written certification of compliance with these Ordering Provisions.</p> <p>7. Implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A – Cleanup of Unauthorized Trash Dumps – Van Zandt County).</p>

Attachment A
Docket Number: 2007-1089-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Edgewood
Penalty Amount:	Sixteen thousand three hundred twenty-one dollars (\$16,321)
SEP Offset Amount:	Sixteen thousand three hundred twenty-one dollars (\$16,321)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of RC&D Areas, Inc. – <i>Cleanup of Unauthorized Trash Dumps</i>
Location of SEP:	Van Zandt County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. **Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of RC&D Areas, Inc.** for the *Cleanup of Unauthorized Trash Dumps Project* in Van Zandt County as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to coordinate with city and/or county governments or local entities for the clean up of sites where trash and debris has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified, there is no preexisting obligation to clean up the site by the owner or the government, and reasonable efforts have already been taken to prevent the dumping. Any remaining SEP funds after completion of the Trash Dump Cleanup may, upon approval of the Executive Director, be spent on the Abandoned Tire Site Cleanup, Water or Wastewater Treatment Assistance, or other approved RC&D project. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping to rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

City of Edgewood
Agreed Order Docket No. 2007-1089-PWS-E Attachment A

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
1716 Briarcrest Drive Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear

statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	28-Sep-2007	Screening	28-Sep-2007	EPA Due	31-May-2008
	PCW	28-Sep-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Edgewood
Reg. Ent. Ref. No.	RN101404887
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34136			No. of Violations	11
Docket No.	2007-1089-PWS-E			Order Type	Findings
Media Program(s)	Public Water Supply			Enf. Coordinator	Andrea Linson-Mgbeoduru
Multi-Media				EC's Team	EnforcementTeam 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$9,450**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **81% Enhancement** **Subtotals 2, 3, & 7** **\$7,654**

Notes Enhancement due to eleven Notices of Violation ("NOVs") for the same or similar violations, three NOVs with dissimilar violations and one Agreed Order containing a denial of liability.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The respondent does not meet the Good Faith criteria.

Total EB Amounts **\$3,413** **0% Enhancement*** **Subtotal 6** **\$0**
Approx. Cost of Compliance **\$11,750** ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$17,104**

OTHER FACTORS AS JUSTICE MAY REQUIRE **19%** **Adjustment** **\$3,200**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount **\$20,304**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$16,321**

DEFERRAL **0%** **Reduction** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$16,321**

Screening Date 28-Sep-2007

Docket No. 2007-1089-PWS-E

PCW

Respondent City of Edgewood

Policy Revision 2 (September 2002)

Case ID No. 34136

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101404887

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11	55%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 81%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement due to eleven Notices of Violation ("NOVs") for the same or similar violations, three NOVs with dissimilar violations and one Agreed Order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 81%

Screening Date 28-Sep-2007		Docket No. 2007-1089-PWS-E		PCW																
Respondent City of Edgewood		<small>Policy Revision 2 (September 2002)</small>																		
Case ID No. 34136		<small>PCW Revision June 26, 2007</small>																		
Reg. Ent. Reference No. RN101404887																				
Media [Statute] Public Water Supply																				
Enf. Coordinator Andrea Linson-Mgbeoduru																				
Violation Number		<div style="border: 1px solid black; width: 50px; text-align: center;">1</div>																		
Rule Cite(s)		<div style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code §§ 290.110(e)(2) and 290.111(e)(2)</div>																		
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to submit Surface Water Monthly Operating Reports ("SWMORs") by the tenth day of the month following the end of the reporting period. Specifically, the City did not submit SWMORs for its surface water treatment facility from January through May 2004.</div>																		
Base Penalty				<div style="border: 1px solid black; width: 100px; text-align: right;">\$1,000</div>																
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
		Harm																		
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Percent				<div style="border: 1px solid black; width: 50px; text-align: right;">0%</div>																
>> Programmatic Matrix																				
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Falsification</td> </tr> <tr> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td><div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> </table>					Falsification			Major	Moderate	Minor	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>						
		Falsification																		
	Major	Moderate	Minor																	
<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
Percent				<div style="border: 1px solid black; width: 50px; text-align: right;">10%</div>																
Matrix Notes		<div style="border: 1px solid black; padding: 5px;">100% of the rule requirement was not met.</div>																		
Adjustment				<div style="border: 1px solid black; width: 100px; text-align: right;">\$900</div>																
				<div style="border: 1px solid black; width: 100px; text-align: right;">\$100</div>																
Violation Events																				
Number of Violation Events		<div style="border: 1px solid black; width: 50px; text-align: center;">5</div>	Number of violation days																	
		<div style="border: 1px solid black; width: 50px; text-align: center;">151</div>																		
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Violation Base Penalty																	
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>																		
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
<div style="border: 1px solid black; padding: 5px;">Five monthly events are recommended.</div>																				
Economic Benefit (EB) for this violation																				
Estimated EB Amount		<div style="border: 1px solid black; width: 100px; text-align: right;">\$10</div>	Statutory Limit Test																	
			Violation Final Penalty Total																	
			<div style="border: 1px solid black; width: 100px; text-align: right;">\$1,074</div>																	
This violation Final Assessed Penalty (adjusted for limits)				<div style="border: 1px solid black; width: 100px; text-align: right;">\$1,074</div>																

Economic Benefit Worksheet

Respondent City of Edgewood

Case ID No. 34136

Reg. Ent. Reference No. RN101404887

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	11-Jan-2004	10-Jun-2004	0.4	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to submit SWMORs. Date required is the first month of noncompliance. Final date is expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$10

Screening Date 28-Sep-2007		Docket No. 2007-1089-PWS-E		PCW	
Respondent City of Edgewood		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34136		<i>PCW Revision June 26, 2007</i>			
Reg. Ent. Reference No. RN101404887					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number <input type="text" value="2"/>					
Rule Cite(s)		30 Tex. Admin. Code § 290.111(b)(1)(A) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description		Failed to maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU") and not to exceed 0.3 NTU in at least 95% of the samples tested each month. Specifically, the City exceeded the turbidity level for the combined filter effluent at the Facility during the months of October 2004 and February 2007.			
		Base Penalty		<input type="text" value="\$1,000"/>	

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Release				
	Actual		x		
	Potential				
					Percent <input type="text" value="25%"/>

>> Programmatic Matrix

		Major	Moderate	Minor	
					Percent <input type="text" value="0%"/>

Matrix Notes

Failure to maintain turbidity levels exposes customers to significant amounts of contaminants which do not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events <input type="text" value="2"/>	<input type="text" value="57"/>	Number of violation days
---	---------------------------------	--------------------------

mark only one with an x	daily	<input type="text"/>
	monthly	x
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two monthly events are recommended.

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$2,050"/>		Violation Final Penalty Total <input type="text" value="\$1,074"/>	
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,074"/>	

Economic Benefit Worksheet

Respondent City of Edgewood
Case ID No. 34136
Reg. Ent. Reference No. RN101404887
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	1-Oct-2004	31-Oct-2004	1.0	\$50	\$1,000	\$1,050
Other (as needed)	\$1,000	1-Feb-2007	28-Feb-2007	0.0	\$0	\$1,000	\$1,000

Notes for AVOIDED costs

Estimated avoided cost for the amount of additional oversight and maintenance that could have avoided or prevented the exceedence. The date required is the month in which the violation occurred. The final date is the estimated date of compliance.

Approx. Cost of Compliance

\$2,000

TOTAL

\$2,050

Screening Date 28-Sep-2007

Docket No. 2007-1089-PWS-E

PCW

Respondent City of Edgewood

Policy Revision 2 (September 2002)

Case ID No. 34136

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101404887

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.110(c)(1)(A)

Violation Description

Failed to monitor the disinfectant residual of the water in each disinfection zone at least once each day. Specifically, the City failed to monitor the disinfectant residual on April 1 and April 2, 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Failure to monitor the disinfectant residual on a daily basis could result in customers of the water supply being exposed significant amounts of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

2

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended, calculated based on one event for each day monitoring did not occur.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$200

Violation Final Penalty Total \$1,074

This violation Final Assessed Penalty (adjusted for limits) \$1,074

Economic Benefit Worksheet

Respondent City of Edgewood
Case ID No. 34136
Reg. Ent. Reference No. RN101404887
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	1-Apr-2006	30-Apr-2006	0.0	\$0	\$200	\$200
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to monitor the disinfectant residual, calculated for the month in which improper monitoring occurred. The date required is the first date of the violation. The final date is the date of compliance.

Approx. Cost of Compliance \$200

TOTAL \$200

Screening Date 28-Sep-2007		Docket No. 2007-1089-PWS-E		PCW	
Respondent City of Edgewood		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34136		<i>PCW Revision June 26, 2007</i>			
Reg. Ent. Reference No. RN101404887					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number	<input type="text" value="4"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.111(c)(2)(A)"/>				
Violation Description	<p>Failed to continuously monitor and record the turbidity level of the combined filter effluent at least once every four hours. Specifically, the City failed to continuously monitor the combined filter effluent for 13 consecutive four hour intervals from April 1 to April 3, 2006.</p>				
Base Penalty					<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix						
OR	Release		Harm		Percent	
	Actual	Potential	Major	Moderate		Minor
			<input type="text" value="x"/>			

>> Programmatic Matrix							
Matrix Notes	Falsification		Major		Moderate	Minor	Percent
						<input type="text" value="0%"/>	
<p>Failure to continuously monitor and record the monitoring results of the combined filtered effluent could result in customers of the water supply being exposed to significant amounts of contaminants which would exceed levels that are protective of human health.</p>							
Adjustment						<input type="text" value="\$750"/>	
							<input type="text" value="\$250"/>

Violation Events						
Number of Violation Events		<input type="text" value="13"/>		Number of violation days		
		<input type="text" value="3"/>				
mark only one with an x	daily	<input type="text"/>				
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input type="text" value="x"/>				
<p>Thirteen single events are recommended, calculated based on one event for each four hour period when monitoring did not occur.</p>						
Violation Base Penalty						<input type="text" value="\$3,250"/>

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$42"/>	Violation Final Penalty Total	<input type="text" value="\$6,983"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$3,000"/>	

Economic Benefit Worksheet

Respondent City of Edgewood
Case ID No. 34136
Reg. Ent. Reference No. RN101404887
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$500	1-Apr-2006	30-Apr-2006	0.1	\$2	\$40	\$42
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to continuously monitor the combined filter effluent at the four hour intervals, calculated for the month in which proper monitoring and recording were not performed.

Approx. Cost of Compliance

\$500

TOTAL

\$42

Screening Date 28-Sep-2007		Docket No. 2007-1089-PWS-E		PCW
Respondent City of Edgewood		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 34136		<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No. RN101404887				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number		<input type="text" value="5"/>		
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.111(c)(4)(A)"/>		
Violation Description		<input type="text" value="Failed to continuously monitor and record the filtered water turbidity level at the effluent of each individual filter at least once every fifteen minutes. Specifically, the City failed to properly monitor the individual filter effluent from April 1 to April 2, 2006."/>		
Base Penalty				<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>

>> Programmatic Matrix				
Matrix Notes	Falsification			
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>
<input type="text" value="Failure to continuously monitor and record the monitoring results of the combined filtered effluent could result in customers of the water supply being exposed to significant amounts of contaminants which would exceed levels that are protective of human health."/>				
Adjustment				<input type="text" value="\$750"/>
				<input type="text" value="\$250"/>

Violation Events				
Number of Violation Events		<input type="text" value="2"/>	Number of violation days	
		<input type="text" value="2"/>		
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
<input type="text" value="Two single events are recommended, calculated based on one event for each day the monitoring did not occur."/>				

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$42"/>	Violation Final Penalty Total	<input type="text" value="\$1,074"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$1,074"/>	

Economic Benefit Worksheet

Respondent: City of Edgewood

Case ID No. 34136

Reg. Ent. Reference No. RN101404887

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$500	1-Apr-2006	30-Apr-2006	0.1	\$2	\$40	\$42
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to continuously monitor the individual filter effluent every 15 minutes, calculated for the month in which proper monitoring and recording were not performed.

Approx. Cost of Compliance \$500

TOTAL \$42

Screening Date 28-Sep-2007

Docket No. 2007-1089-PWS-E

PCW

Respondent City of Edgewood

Policy Revision 2 (September 2002)

Case ID No. 34136

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101404887

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(m)(1)(A) and 290.43(c)(6); Tex. Health & Safety Code § 341.036; and TCEQ Agreed Order Docket No. 2004-1540-PWS-E, Ordering Provision No. 3.a.ii.

Violation Description

Failed to maintain the potable storage tanks so that they are thoroughly tight against leakage. Specifically, during the investigation, it was observed that the 0.4 million gallon ground storage tank was leaking with water ponding at its base to a point where it was impossible to walk around the tank. Additionally, equipment could not be used to remove the grass and weeds due to the degree in which the ground was saturated from the leakage.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Failure to maintain all water storage facilities in a watertight condition could result in the exposure of a significant amount of contaminants which do not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 7

611 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$700

Seven quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2004-1540-PWS-E, January 26, 2006, to the screening date, September 28, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$199

Violation Final Penalty Total \$1,504

This violation Final Assessed Penalty (adjusted for limits) \$1,504

Economic Benefit Worksheet

Respondent City of Edgewood

Case ID No. 34136

Reg. Ent. Reference No. RN101404887

Media Public Water Supply

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	26-Jan-2006	30-Nov-2008	2.8	\$9	\$190	\$199
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair the ground storage tank to a watertight condition. Date required is the effective date of TCEQ Agreed Order Docket No. 2004-1540-PWS-E. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$199

Screening Date 28-Sep-2007		Docket No. 2007-1089-PWS-E		PCW
Respondent City of Edgewood		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 34136		<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No. RN101404887				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number	<div style="border: 1px solid black; padding: 2px; text-align: center;">7</div>			
Rule Cite(s)	<div style="border: 1px solid black; padding: 2px; text-align: center;">30 Tex. Admin. Code § 290.42(a)(2)(B)</div>			
Violation Description	<p>Failed to provide proper disposition of all plant wastes in accordance with all applicable regulations and state statues including both liquid and solid waste or by-product material from operation and/or maintenance. Specifically, during the investigation, it was noted that the facility's sludge lagoons were full and near overflowing.</p>			
Base Penalty				<div style="border: 1px solid black; padding: 2px; text-align: center;">\$1,000</div>

>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Harm Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	x	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
					Percent <div style="border: 1px solid black; padding: 2px; text-align: center;">10%</div>

>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
					Percent <div style="border: 1px solid black; padding: 2px; text-align: center;">0%</div>
Matrix Notes	Human health or the environment could be exposed to significant amounts of pollutants, which do not exceed levels protective of human health, as a result of the violation.				
Adjustment					<div style="border: 1px solid black; padding: 2px; text-align: center;">\$900</div>

Violation Events													
	<div style="border: 1px solid black; padding: 2px; text-align: center;">2</div> <div style="border: 1px solid black; padding: 2px; text-align: center;">56</div> Number of violation days												
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30px;">daily</td><td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td></tr> <tr><td>monthly</td><td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td></tr> <tr><td>annual</td><td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td></tr> <tr><td>single event</td><td><div style="border: 1px solid black; width: 40px; height: 15px;"></div></td></tr> </table>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	quarterly	x	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>												
monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>												
quarterly	x												
semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>												
annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>												
single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>												
Violation Base Penalty													
<div style="border: 1px solid black; padding: 2px; text-align: center;">\$200</div>													
Two quarterly events are recommended, one quarterly event for each lagoon, calculated from the investigation date, August 3, 2007, to the screening date, September 28, 2007.													

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<div style="border: 1px solid black; padding: 2px; text-align: center;">\$279</div>	Violation Final Penalty Total	<div style="border: 1px solid black; padding: 2px; text-align: center;">\$430</div>
This violation Final Assessed Penalty (adjusted for limits)		<div style="border: 1px solid black; padding: 2px; text-align: center;">\$430</div>	

Economic Benefit Worksheet

Respondent City of Edgewood
Case ID No. 34136
Reg. Ent. Reference No. RN101404887
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$3,000	3-Aug-2007	30-Nov-2008	1.3	\$13	\$266	\$279
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to rehabilitate the sludge pond to fulfill the system's needed capacity. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$279

Screening Date 28-Sep-2007		Docket No. 2007-1089-PWS-E		PCW	
Respondent City of Edgewood		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34136		<i>PCW Revision June 26, 2007</i>			
Reg. Ent. Reference No. RN101404887					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number		<div style="border: 1px solid black; padding: 2px;">8</div>			
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 290.46(j)(2) and Tex. Health and Safety Code § 341.036</div>			
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to promptly eliminate unacceptable plumbing practices as they are discovered, to prevent possible contamination of the water supplied by the regulated entity. Specifically, during the investigation, the investigator documented that customer service inspections conducted in July 2005 identified the following sites as high hazards requiring installation of testable backflow prevention assemblies: J's Grocery, Mamie Shuman, Dorothy Graham, Dairy Queen, as well as the city's wastewater treatment plant. These sites currently, do not have the required assemblies.</div>			
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$1,000</div>
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; padding: 2px;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Percent <div style="border: 1px solid black; padding: 2px;">25%</div>
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Percent <div style="border: 1px solid black; padding: 2px;">0%</div>
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">Failure to eliminate or remedy unacceptable plumbing practices, or have backflow prevention assemblies installed, could allow a significant amount of contaminants to enter their water supply which would exceed levels that are protective of human health.</div>				
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$750</div>
					<div style="border: 1px solid black; padding: 2px;">\$250</div>
Violation Events					
		<div style="border: 1px solid black; padding: 2px;">10</div>	<div style="border: 1px solid black; padding: 2px;">56</div>	Number of violation days	
<i>mark only one with an x</i>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	monthly	<div style="border: 1px solid black; padding: 2px;">x</div>			
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
Violation Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$2,500</div>
Ten monthly events are recommended, based on two monthly events for each site listed, calculated from the investigation date, August 3, 2007, to the screening date, September 28, 2007.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$486</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px;">\$5,371</div>
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px;">\$5,371</div>

Economic Benefit Worksheet

Respondent City of Edgewood

Case ID No. 34136

Reg. Ent. Reference No. RN101404887

Media Public Water Supply

Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$2,250	31-Jul-2005	31-Aug-2008	3.1	\$23	\$463	\$486
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to have a backflow prevention assembly installed. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,250

TOTAL

\$486

Screening Date 28-Sep-2007		Docket No. 2007-1089-PWS-E		PCW	
Respondent City of Edgewood		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 34136		<i>PCW Revision June 26, 2007</i>			
Reg. Ent. Reference No. RN101404887					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number <input type="text" value="9"/>					
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.46(m)"/>			
Violation Description		<p>Failed to initiate a maintenance program to maintain the general appearance of the system's facilities and equipment. Specifically, during the investigation, it was noted that high grass and weeds that were approximately two feet high were surrounding the lagoons and the ground storage tank.</p>			
		Base Penalty		<input type="text" value="\$1,000"/>	

>> Environmental, Property and Human Health Matrix																									
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>						Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		Potential	<input type="text"/>	<input type="text"/>	x	
		Harm																							
	Release	Major	Moderate	Minor																					
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																						
Potential	<input type="text"/>	<input type="text"/>	x																						
					Percent <input type="text" value="5%"/>																				
>> Programmatic Matrix																									
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> </table>						Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>											
		Major	Moderate	Minor																					
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>																					
					Percent <input type="text" value="0%"/>																				
<p>If the system's facilities are not maintained, customers of the water system could be exposed to an insignificant amounts of contaminants which would not exceed levels that are protective of human health.</p>																									
					Adjustment <input type="text" value="\$950"/>																				
					<input type="text" value="\$50"/>																				

Violation Events			
Number of Violation Events <input type="text" value="1"/>		<input type="text" value="56"/> Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$50"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">One single event is recommended.</div>			

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$17"/>	Violation Final Penalty Total	<input type="text" value="\$107"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$107"/>

Economic Benefit Worksheet

Respondent City of Edgewood
Case ID No. 34136
Reg. Ent. Reference No. RN101404887
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	3-Aug-2007	31-May-2008	0.8	\$1	\$17	\$17
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to provide lawn maintenance for the area surrounding the sludge lagoon and the ground storage tank. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$17

Screening Date 28-Sep-2007		Docket No. 2007-1089-PWS-E		PCW																	
Respondent City of Edgewood		<small>Policy Revision 2 (September 2002)</small>																			
Case ID No. 34136		<small>PCW Revision June 26, 2007</small>																			
Reg. Ent. Reference No. RN101404887																					
Media [Statute] Public Water Supply																					
Enf. Coordinator Andrea Linson-Mgbeoduru																					
Violation Number		<input type="text" value="10"/>																			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.46(s)(2)"/>																			
Violation Description		<p>Failed to perform mandatory calibrations of laboratory equipment used for treatment compliance monitoring. Specifically, during the investigation, it was noted that the on-line pH meter, turbidimeter, and disinfectant residual analyzers were not being calibrated within the required time frames.</p>																			
Base Penalty				<input type="text" value="\$1,000"/>																	
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text" value="x"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
		Harm																			
	Release	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																		
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>																		
>> Programmatic Matrix																					
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>					Falsification	Major	Moderate	Minor	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>						
		Falsification	Major	Moderate	Minor																
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																
<p>Failure to perform calibration of laboratory equipment could result in improper disinfection or treatment of water and potentially expose the public to significant amounts of pollutants which would exceed levels that are protective of human health.</p>				Adjustment <input type="text" value="\$750"/>																	
<input type="text" value="\$250"/>																					
Violation Events																					
Number of Violation Events		<input type="text" value="2"/>	Number of violation days																		
		<input type="text" value="56"/>																			
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>																		
	monthly	<input type="text" value="x"/>																			
	quarterly	<input type="text"/>																			
	semiannual	<input type="text"/>																			
	annual	<input type="text"/>																			
	single event	<input type="text"/>																			
<p>Two monthly events are recommended, calculated from the investigation date, August 3, 2007, to the date of screening, September 28, 2007.</p>																					
Economic Benefit (EB) for this violation			Statutory Limit Test																		
Estimated EB Amount		<input type="text" value="\$17"/>	Violation Final Penalty Total <input type="text" value="\$1,074"/>																		
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,074"/>																		

Economic Benefit Worksheet

Respondent City of Edgewood
Case ID No. 34136
Reg. Ent. Reference No. RN101404887
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	3-Aug-2007	31-May-2008	0.8	\$1	\$17	\$17
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

This is an estimated cost to properly calibrate the laboratory equipment within the required time frames. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$17

Screening Date 28-Sep-2007		Docket No. 2007-1089-PWS-E		PCW																	
Respondent City of Edgewood		<i>Policy Revision 2 (September 2002)</i>																			
Case ID No. 34136		<i>PCW Revision June 26, 2007</i>																			
Reg. Ent. Reference No. RN101404887																					
Media [Statute] Public Water Supply																					
Enf. Coordinator Andrea Linson-Mgbeoduru																					
Violation Number	<input type="text" value="11"/>																				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.42(e)(4)(A)"/>																				
Violation Description	<p>Failed to provide a full face self-contained breathing apparatus or air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accesible location. Specifically, during the investigation, it was noted that the water system uses chlorine gas as a disinfectant and was not equipped with a self-contained breathing apparatus.</p>																				
Base Penalty				<input type="text" value="\$1,000"/>																	
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text" value="x"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
		Harm																			
	Release	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																		
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>																		
>> Programmatic Matrix																					
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>					Major	Moderate	Minor	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>								
		Major	Moderate	Minor																	
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
<p>Failure to have a full-face self-contained, breathing apparatus or supplied air respirator that meets OSHA standards in the event of an emergency could allow unprotected exposures to significant amounts of chlorine gas that would be detrimental to human health.</p>																					
Adjustment				<input type="text" value="\$750"/>																	
				<input type="text" value="\$250"/>																	
Violation Events																					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="56"/>	Number of violation days																	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$250"/>																		
	monthly	<input type="text"/>																			
	quarterly	<input type="text"/>																			
	semiannual	<input type="text"/>																			
	annual	<input type="text"/>																			
	single event	<input type="text" value="x"/>																			
<p>One single event is recommended.</p>																					
Economic Benefit (EB) for this violation			Statutory Limit Test																		
Estimated EB Amount <input type="text" value="\$70"/>			Violation Final Penalty Total <input type="text" value="\$537"/>																		
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$537"/>																		

Economic Benefit Worksheet

Respondent City of Edgewood

Case ID No. 34136

Reg. Ent. Reference No. RN101404887

Media Public Water Supply

Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,200	3-Aug-2007	31-May-2008	0.8	\$3	\$66	\$70
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,200

TOTAL

\$70

Compliance History

Customer/Respondent/Owner-Operator:	CN600738512	City Of Edgewood	Classification:	Rating:
Regulated Entity:	RN101404887	CITY OF EDGEWOOD	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		2340002
	WATER LICENSING	LICENSE		2340002
Location:	PO BOX 377, EDGEWOOD, TX, 75117			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	September 17, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 17, 2002 to September 17, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/26/2006

ADMINORDER 2004-1540-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)

Description: Failure to provide a method for determining the amount of disinfectant remaining for use.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)[G]

Description: Failure by the regulated entity to employ trained and licensed personnel.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to provide a copy of the up-to-date chemical and microbiological monitoring plan at the facility.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)

Description: Failure to maintain the potable water storage tank so that they are thoroughly tight against leakage.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(h)

Description: Failure to provide sanitary facilities for operating personnel during water works installation..

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)(1)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide production capacities that meet or exceed the maximum daily demand.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)

4G THC Chapter 321, SubChapter D 341.0315(c)

Description: Failure to meet the Minimum Water System Capacity Requirements.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the elevated storage tank exterior coatings.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)

30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)[G]

30 TAC Chapter 290, SubChapter D 290.42(f)(1)[G]

Description: Failure to provide adequate containment facilities for all liquid chemical storage tanks.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

2	06/13/2003	(60901)
	08/15/2003	(395356)
3	01/13/2004	(396489)
4	02/27/2004	(396490)
5	08/31/2004	(278618)
6	06/17/2005	(395428)
7	07/07/2005	(398292)
8	08/16/2005	(399623)
9	07/31/2006	(487130)
10	09/18/2006	(481582)
11	10/06/2006	(514424)
12	01/12/2007	(536626)
13	06/27/2007	(563520)
14	06/27/2007	(563608)
15	06/27/2007	(565971)
16	06/27/2007	(563514)
17	06/27/2007	(563665)
18	06/27/2007	(563598)
19	06/27/2007	(563612)
20	06/27/2007	(563604)
21	09/12/2007	(572838)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/15/2003 (395356)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 06/2003.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 06/2003.

Date: 01/13/2004 (396489)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 11/2003.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 11/2003.

Date: 02/27/2004 (396490)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 01/2004.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 01/2004.

Date: 08/02/2004 (563514)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.111(e)(2)

Description: Failed to report SWMOR for February 2004.

Date: 08/02/2004 (563598)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.111(e)(2)

Description: Failure to report SWMOR for April 2004.

Date: 08/02/2004 (563520)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.111(e)(2)		
Description:	Failed to report SWMOR for March 2004.		
Date:	08/04/2004 (536626)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.111(e)(2)		
Description:	Failure to submit surface water monthly operating report for January 2004.		
Date:	09/10/2004 (563604)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.111(e)(2)		
Description:	Failed to report SWMOR for May 2004.		
Date:	12/09/2004 (563608)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)		
Description:	1 day with combined filter effluent turbidity readings above 1.0 NTU in October 2004.		
Date:	08/31/2005 (399623)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(6)		
Description:	Failure to maintain the potable water storage tank so that they are thoroughly tight against leakage.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)		
Description:	Failure to meet this Agency's "Minimum Water System Capacity Requirements." These requirements include: a treatment plant capacity of 0.6 gallons per minute per connection under normal rated design flow.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(a)(1) 5A THC Chapter 341, SubChapter A 341.0315(c)		
Description:	Failure to provide production capacities that meet or exceed the maximum daily demand.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B) 4G THC Chapter 321, SubChapter D 341.0315(c)		
Description:	Failure to meet the Minimum Water System Capacity Requirements.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the elevated storage tank exterior coatings.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(i)		
Description:	Failure to equip the filters with sampling taps so that the effluent turbidity of each filter can be individually monitored.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(5)		
Description:	Failure to provide flow measuring devices to measure the raw water supplied to the plant, the recycled water, the treated water used to backwash the filters, and the treated water leaving the plant.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]		
Description:	Failure to inspect potable water storage tanks. The elevated storage tank and the 0.400 MG ground storage tank should be inspected and minor repairs should continue to be made, if necessary to protect water quality, even with the impending replacement and refurbishment projects currently scheduled.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)[G]		
Description:	Failure to perform mandatory calibrations of laboratory equipment used for treatment compliance monitoring.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	Failure to equip the 0.400 MG ground storage tank with a water level indicator located at the tank site.		
Date:	06/06/2006 (563612)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)		
Description:	2 days when disinfection data were not collected in April 2006.		
Self Report?	NO	Classification:	Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(4)(A)
 Description: April 2006 - 2 days with individual filter effluent turbidity not properly monitored.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(2)(A)
 Description: April 2006 - 13 four hour periods when the plant was on-line and no combined filter effluent turbidity reported.
 Date: 07/27/2006 (487130)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)
 Description: Failure to maintain the potable water storage tank so that they are thoroughly tight against leakage.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain the elevated storage tank exterior coatings.
 Self Report? NO Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101
 Rqmt Prov: ORDER Ordering Provisions 3.a.ii. and 3.a.iii.
 Description: Failure to comply with the Ordering Provisions of Commission Order 2005-1540-PWS-E.
 Date: 09/19/2006 (481582)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(i)
 Description: Failure to equip the filters with sampling taps so that the effluent turbidity of each filter can be individually monitored.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]
 Description: Failure to inspect potable water storage tanks. The elevated storage tank and the 0.400 MG ground storage tank should be inspected and minor repairs should continue to be made, if necessary to protect water quality, even with the impending replacement and refurbishment projects currently scheduled.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)[G]
 Description: Failure to perform mandatory calibrations of laboratory equipment used for treatment compliance monitoring.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)
 Description: FY06 CCI - Failure to have available during the investigation, copies of completed Customer Service Inspection (CSI) reports.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: FY06 CCI - Failure to maintain all water treatment units in a watertight condition.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)
 Description: FY06 CCI - Failure to provide an air gap or other acceptable (testable) backflow prevention device for make-up water supply lines to chemical feeder solution mixing chambers.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(16)
 Description: FY06 CCI - Failure to provide a computer and software for the surface water treatment plant for recording performance data, maintaining records and submitting reports to the executive director.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(A)
 Description: FY06 CCI - Failure to employ an operator who holds a Class "C" or higher surface water license as the water system does employ a part-time operator.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: FY06 CCI - Failure to maintain the Filter Head Control Tank which is located between the gravity filters and the transfer pumps.
 Date: 04/06/2007 (563665)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
 Description: 1 day with combined filter effluent turbidity above 1.0 NTU in February 2007.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
 Description: February 2007 - 10.4% of combined filter effluent turbidity readings were above 0.3 NTU. This exceeds the 5% limit.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF EDGEWOOD;
RN101404887**

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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1089-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Edgewood ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and the City, presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The City owns and operates a public water supply system located at a quarter mile north on County Road 3504 from the intersection of County Road 2507 and County Road 3504 near Edgewood in Van Zandt County, Texas (the "Facility") that has approximately 738 service connections and serves at least 25 people per day for at least 60 days per year; and provides water for human consumption.
2. During a record review conducted on March 11, 2007, a TCEQ investigator documented that the City:

- a. Failed to submit Surface Water Monthly Operating Reports ("SWMORs") by the tenth day of the month following the end of the reporting period. Specifically, the City did not submit SWMORs from January through May 2004.
 - b. Failed to maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU") and not to exceed 0.3 NTU in at least 95% of the samples tested each month. Specifically, the City exceeded the turbidity level for the combined filter effluent at the Facility during the months of October 2004 and February 2007.
 - c. Failed to monitor the disinfectant residual of the water in each disinfection zone at least once each day. Specifically, the City failed to monitor the disinfectant residual on April 1 and April 2, 2006.
 - d. Failed to continuously monitor and record the turbidity level of the combined filter effluent at least once every four hours. Specifically, the City failed to continuously monitor the combined filter effluent for 13 consecutive four-hour intervals from April 1 to April 3, 2006.
 - e. Failed to continuously monitor and record the filtered water turbidity level at the effluent of each individual filter at least once every fifteen minutes. Specifically, the City failed to properly monitor the individual filter effluent from April 1 to April 2, 2006.
3. The City received notice of the violations in paragraph 2 on or about June 28, 2007.
4. During an investigation conducted on August 3, 2007, a TCEQ investigator documented that the City:
 - a. Failed to maintain the potable storage tanks so that they are thoroughly tight against leakage. Specifically, during the investigation, it was observed that the 0.4 million gallon ground storage tank was leaking with water ponding at its base to a point where it was impossible to walk around the tank. Additionally, equipment could not be used to remove the grass and weeds due to the degree in which the ground was saturated from the leakage.
 - b. Failed to provide for disposition of all plant wastes in accordance with all applicable regulations and state statutes including both liquid and solid waste or by-product material from operation and/or maintenance. Specifically, during the investigation, it was noted that the Facility's sludge lagoons were full and near overflowing.
 - c. Failed to promptly eliminate unacceptable plumbing practices as they are discovered, to prevent possible contamination of the water supplied by the regulated entity. Specifically, during the investigation, the investigator documented that customer service

inspections conducted in July 2005 identified the following sites as high hazards requiring installation of testable backflow prevention assemblies: J's Grocery, Mamie Shuman, Dorothy Graham, Dairy Queen, as well as the City's wastewater treatment plant. These sites currently do not have the required assemblies.

- d. Failed to maintain the general appearance of the system's facilities and equipment. Specifically, during the investigation, it was noted that high grass and weeds that were approximately two feet high were surrounding the lagoons and the ground storage tank.
 - e. Failed to perform mandatory calibrations of laboratory equipment used for treatment compliance monitoring. Specifically, during the investigation, it was noted that the on-line pH meter, turbidimeter, and disinfectant residual analyzers were not being calibrated within the required time frames.
 - f. Failed to provide a full face self-contained breathing apparatus or air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accessible location. Specifically, during the investigation, it was noted that the water system uses chlorine gas as a disinfectant and was not equipped with a self-contained breathing apparatus.
5. The City received notice of the violations in paragraph 4 on or about September 12, 2007.
6. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
- a. As of June 2004, began submitting SWMORs for the surface water treatment facility;
 - b. As of March 2007, began maintaining the turbidity level of combined filter effluent below 1.0 NTU and 0.3 NTU in at least 95% of the tested samples;
 - c. As of May 2006, began monitoring the disinfectant residual of the water in each disinfection zone at least once per day;
 - d. As of May 2006, began monitoring and recording the turbidity level of the combined filter effluent at least once every four hours;
 - e. As of May 2006, began monitoring and recording the filtered water turbidity level at the effluent of each individual filter at least once every fifteen minutes;
 - f. Properly disposed of all plant wastes in accordance with all applicable regulations and state statutes including both liquid and solid waste or by-product material from operation and/or maintenance.

- g. Properly calibrated the on-line pH meter, turbidimeter, and disinfectant residual analyzers within the required time frames.
- h. Placed an air respirator in an accessible location outside of the chlorination room. The air respirator meets OSHA standards for construction and operation.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact No. 1; the City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., the City failed to submit SWMORs by the tenth day of the month following the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(2) and 290.111(e)(2).
3. As evidenced by Finding of Fact No. 2.b., the City failed to maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 NTU and not to exceed 0.3 NTU in at least 95% of the samples tested each month, in violation of 30 TEX. ADMIN. CODE § 290.111(b)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. As evidenced by Finding of Fact No. 2.c., the City failed to monitor the disinfectant residual of the water in each disinfection zone at least once each day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(1)(A).
5. As evidenced by Finding of Fact No. 2.d., the City failed to continuously monitor and record the turbidity level of the combined filter effluent at least once every four hours, in violation of 30 TEX. ADMIN. CODE § 290.111(c)(2)(A).
6. As evidenced by Finding of Fact No. 2.e., the City failed to continuously monitor and record the filtered water turbidity level at the effluent of each individual filter at least once every fifteen minutes, in violation of 30 TEX. ADMIN. CODE § 290.111(c)(4)(A).
7. As evidenced by Finding of Fact No. 4.a., the City failed to maintain the potable storage tanks so that they are thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE §§ 290.46(m)(1)(A) and 290.43(c)(6), TEX. HEALTH & SAFETY CODE § 341.036, and TCEQ Agreed Order Docket No. 2004-1540-PWS-E, Ordering Provision No. 3.a.ii.
8. As evidenced by Finding of Fact No. 4.b., the City failed to provide for disposition of all plant wastes in accordance with all applicable regulations and state statutes including both liquid and solid waste or by-product material from operation and/or maintenance, in violation of 30 TEX. ADMIN. CODE § 290.42(a)(2)(B).

9. As evidenced by Finding of Fact No. 4.c., the City failed to promptly eliminate unacceptable plumbing practices as they are discovered, to prevent possible contamination of the water supplied by the regulated entity, in violation of 30 TEX. ADMIN. CODE § 290.46(j)(2) and TEX. HEALTH & SAFETY CODE § 341.036.
10. As evidenced by Finding of Fact No. 4.d., the City failed to maintain the general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
11. As evidenced by Finding of Fact No. 4.e., the City failed to perform mandatory calibrations of laboratory equipment used for treatment compliance monitoring, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2).
12. As evidenced by Finding of Fact No. 4.f., the City failed to provide a full face self-contained breathing apparatus or air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accessible location, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A).
13. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of TEX. HEALTH & SAFETY CODE, TCEQ rules, and orders adopted under the Code.
14. An administrative penalty in the amount of sixteen thousand three hundred twenty-one dollars (\$16,321.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Sixteen thousand three hundred twenty-one dollars (\$16,321.00) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP"). The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of sixteen thousand three hundred twenty-one dollars (\$16,321.00) as set forth in Conclusions of Law No. 14 for violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Sixteen thousand three hundred twenty-one dollars (\$16,321.00) shall be conditionally offset by the City's completion of a SEP.

2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Conclusions of Law, Paragraph 14 above, sixteen thousand three hundred twenty-one dollars (\$16,321.00) of the assessed administrative penalty shall be offset with the condition that the City implements the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Administrative penalty payments for any portion of the administrative penalty not offset by a SEP or for any portion of the SEP deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Edgewood; Docket No. 2007-1089-PWS-E; Enforcement ID No. 34136" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

4. The City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, the City shall begin maintaining the general appearance of all the water system's facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46. This includes, but is not limited to, removal of the weeds and grass surrounding the lagoons and ground storage tank.
 - b. Within 45 days after the effective date of this Agreed Order, the City shall submit written certification as described in Ordering Provision No. 4.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 4.a.
 - c. Within 90 days after the effective date of this Agreed Order, the City shall promptly eliminate unacceptable plumbing practices as they are discovered, to prevent possible contamination of the water supplied by the regulated entity, in accordance with 30 TEX. ADMIN. CODE § 290.46. Specifically, ensure backflow prevention assemblies are installed at sites identified as high health hazards. These sites include J's Grocery, Mamie Shuman, Dorothy Graham, Dairy Queen, and the City's wastewater treatment plant.
 - d. Within 105 days after the effective date of this Agreed Order, the City shall submit written certification as described in Ordering Provision No. 4.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 4.c.

- e. Within 120 days after the effective date of this Agreed Order, the City shall begin maintaining the potable storage tanks so that they are thoroughly tight against leakage, in accordance with 30 TEX. ADMIN. CODE § 290.43. This includes, but is not limited to, repairing the 0.4 million gallon ground storage tank so that it is not leaking and to prevent water from ponding at the base of the tank.
- f. Within 135 days after the effective date of this Agreed Order, the City shall submit written certification of compliance with Ordering Provision No. 4.e. as described in Ordering Provision No. 4.g.
- g. The certification required by Ordering Provisions Nos. 4.b., 4.d., and 4.f. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Michael Brashear, Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

- 5. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

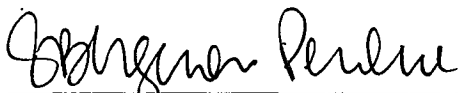
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier.

City of Edgewood
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/14/2009

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Edgewood. I represent that I am authorized to agree to the attached Agreed Order on behalf of the City, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on the City's compliance history;
- Greater scrutiny of any permit applications submitted by the City;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against the City;
- Automatic referral to the Attorney General's Office of any future enforcement actions against the City; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

C.B. Prater Jr.

Honorable Charles Prator, Mayor
Authorized Representative of the
City of Edgewood

Date

2-27-09

Title

Mayor

Attachment A
Docket Number: 2007-1089-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Edgewood
Penalty Amount:	Sixteen thousand three hundred twenty-one dollars (\$16,321)
SEP Offset Amount:	Sixteen thousand three hundred twenty-one dollars (\$16,321)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of RC&D Areas, Inc. – <i>Cleanup of Unauthorized Trash Dumps</i>
Location of SEP:	Van Zandt County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of RC&D Areas, Inc.** for the *Cleanup of Unauthorized Trash Dumps Project* in Van Zandt County as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to coordinate with city and/or county governments or local entities for the clean up of sites where trash and debris has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified, there is no preexisting obligation to clean up the site by the owner or the government, and reasonable efforts have already been taken to prevent the dumping. Any remaining SEP funds after completion of the Trash Dump Cleanup may, upon approval of the Executive Director, be spent on the Abandoned Tire Site Cleanup, Water or Wastewater Treatment Assistance, or other approved RC&D project. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping to rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
1716 Briarcrest Drive Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear

statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.